



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

November 1, 2016

Toni Davis, Director
Friends of Animals, Humane Society of Burke County
417 Kirksey Drive
Morganton, North Carolina 28655

Notice of Warning

Re: Violation of Title 02 N. C. Administrative Code ("NCAC") Chapter 52J, Section .0101(1) and (5).

AWS-WL-2016-21

Animal Shelter: Friends of Animals, Humane Society of Burke County
Registration Number: 81

Dear Director Davis:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint from a citizen and initiated an investigation of the animal shelter operated by the Friends of Animals, Humane Society of Burke County ("the shelter"). The investigation included a site visit, interviews with shelter staff, a review of relevant shelter records and a review of the documents provided by the complainant.

Based on the results of this investigation, the shelter may have violated the 02NCAC 52J Section .0101 (1) and (5).

Continued or future violation of these statutes or regulations will be considered to be a willful disregard or violation of the N. C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's license pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

Enclosures

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

RELEVANT LAWS AND REGULATIONS

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0101 **RECORDS; ANIMAL SHELTERS, ETC.**

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

History Note: Authority G.S. 19A-24;
 Eff. April 1, 1984;
 Amended Eff. January 1, 2005; April 1, 1985.